IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22146 of 2003

Between:

1. M/s. Venkataramana Agencies, Rep. by its Prop. Shobha Rani, W/o. P. Venkatesham,Laxminagar, Godavarikhani, Karimnagar District.
2. P. Venkatesham, S/o. Late P. Rajesham, R/o. 18-5-90/1, Laxminagar, Godavarikhani, Karimnagar District.

..... PETITIONERS

AND

1 The Union of India, Rep. by its Secretary, Ministry of Law, Shastry Bhavan, R.P. Road, New Delhi.
2 The Chief Manager/Authorised Officer, State Bank of Hyderabad, SCCL,Godavarikhani Branch, Godavarikhani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the Securitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002, more particularly Section 13(2) and 13(4) as invalid and violative of rights of the Petitioner guaranteed under the Constitution of India and consequently declare the notice dated. 25.3.2003 and the Consequential possession and sale notices dated. 10.9.2003 issued by the 2nd respondent U/Sec. 13 of the Secutitisation and Reconstruction of Financial Asset and Enforcement of Security Interest Act, 2002, as arbitrary, violative of principles of natural justice and Articles 14, 19 (1) (g) and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.A.RAVI BABU

Counsel for the Respondent No. 1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent No.2: Mr T.Balram

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Union of India, Rep. by its Secretary, Ministry of Law, Shastry Bhavan, R.P. Road, New Delhi.
2 The Chief Manager/Authorised Officer, State Bank of Hyderabad, SCCL,Godavarikhani Branch, Godavarikhani, Karimnagar District.

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